

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 04-31

DATE: February 27, 2004

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: Richard A. Siegel, Associate General Counsel

SUBJECT: Expansion of the Board's E-Filing Project To Include
All Representation Case Documents

During the first week of March 2004, the Board will expand its E-Filing Project, which permits the electronic filing of documents with the Board through the Agency's Web site, to include all documents in representation cases.¹ Subject to certain restrictions, under the E-Filing Project, parties will be able to connect to the Agency's Web site, complete the Board's E-Filing Form, and submit documents directly to the Office of the Executive Secretary's E-mail box. Specifically, the representation case documents that may be filed electronically with the Board include, but are not limited to:

- Exceptions to Post-Election Reports/Decisions
- Requests for Review
- Requests for Special Permission to Appeal Regional Director's Decision/Order
- Briefs
- Motions (all types)
- Other Requests (all types)
- Oppositions to Requests or Motions

E-Filing requirements include the following:

1. E-FILINGS MUST BE TIMELY. E-Filings must comply with all applicable time requirements including [Section 102.111\(b\)](#). A party filing a document electronically will be sent an e-mail notification when a document has been received by the Board's Office of the Executive Secretary. The date and time of receipt specified in this notification will be used to determine whether the submission is timely.

¹ Representation cases that are consolidated with unfair labor practice cases will be treated as unfair labor practice cases for the purposes of the E-Filing Project.

2. PREFERRED DOCUMENT FORMAT IS PDF. The preferred format for submitting documents using E-Filing is Adobe's Portable Document Format (*.pdf).² However, in order to make the Board's E-Filing system more widely available to the public, persons who do not have the ability to submit documents in PDF format may submit documents in Microsoft Word format (*.doc). Persons who do not have the ability to submit documents in either PDF or Microsoft Word format may submit documents in simple text format (*.txt). The Board requires that documents submitted electronically must be (1) in a "read only" format and (2) free from any computer virus.

3. DOCUMENTS MUST BE COMPLETE. Any document submitted via the Board's E-Filing Form must be complete. Any attachments must be converted into electronic form and included as part of the document. No attachments may be filed (either electronically or by service of "hard copy") separately from the electronic document under any circumstances.

4. ALL DOCUMENTS MUST INCLUDE STATEMENT OF SERVICE. Any document submitted via the Board's E-Filing Form must be served on the parties. A statement of service must be included in the document pursuant to the expedited service requirements of [Section 102.114\(i\)](#) of the Board's Rules and Regulations. Depending on the means of service, the statement of service should include the address and fax number of the individuals and parties served. The Board will not process any E-Filing without an appropriate statement of service.

5. COPIES OF LONG DOCUMENTS MUST BE SUBMITTED SEPARATELY. Documents of fifteen (15) pages in length or less, including attachments, may be submitted via the Board's E-Filing Form without the copies normally required by the Board's Rules and Regulations. Documents over fifteen (15) pages in length may be submitted via the Board's E-Filing Form provided that the appropriate copies required by the Board's Rules and Regulations are promptly submitted via personal service or overnight delivery service, and are received by the Office of the Executive Secretary no later than three (3) business days after the electronic filing.

Based on feedback from users and interested parties, the Board will be evaluating this pilot program and may modify it periodically. We congratulate the Board on implementing these further steps in its E-Filing Project. Please contact your Assistant General Counsel or Deputy if you have any questions concerning this matter.

/s/
R. A. S

cc: NLRBU
Release to Public

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² Any document filed electronically by Regional Offices with the Office of Executive Secretary must be filed in PDF format.